

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

D/F

DJENANE FLEURENTIN,

Plaintiff,  
-against-

MAURICE McDOWELL, et al.,

Defendant.

★ SEP 16 2009

X TIME P.M. *1:30*  
A.M. *1:30*

05-CV-4274(ARR)(CLP)

NOT FOR  
PRINT OR ELECTRONIC  
PUBLICATION

AMENDED ORDER

X

ROSS, United States District Judge:

This amended order supersedes the previous order issued by the court in this action dated April 22, 2009.

The court has received the Report and Recommendation on the instant case dated March 31, 2009 from the Honorable Cheryl L. Pollack, United States Magistrate Judge. No objections have been filed. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Edwards v. Town of Huntington, No. 05 Civ. 339 (NGG) (AKT), 2007 U.S. Dist. LEXIS 50074, at \*6 (E.D.N.Y. July 11, 2007); McKoy v. Henderson, No. O5 Civ. 1535 (DAB), 2007 U.S. Dist. LEXIS 15673, at \*1 (S.D.N.Y. March 5, 2007). Having reviewed the record, I find no clear error. I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Therefore, a judgement of \$278,327.47 in damages shall be entered, jointly and severally, against defendants McDowell and Lost and Found. This award represents: 1) 118,327.47, the

principal amount of the equitable mortgage and 2) \$160,000.00, the loss of equity. Additionally, the court awards prejudgment interest at 8% per annum from the date of August 25,2004, as well as \$4,130.00 in attorneys' fees. The Clerk of the Court shall enter judgment accordingly.

SO ORDERED.

Allyne R. Ross  
United States District Judge

Dated: September 16, 2009  
Brooklyn, New York

## Service List

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cc: Magistrate Judge Pollak